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PTO/SB/30 (04-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/674,862
Filing Date	September 30, 2003
First Named Inventor	WILLIAM T. BALL
Art Unit	3751
Examiner Name	Robert M. Fetsuga
Attorney Docket Number	P06455US1-153

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. Other _____

b. Enclosed

i. Amendment/Reply iii. Information Disclosure Statement (IDS)

ii. Affidavit(s)/ Declaration(s) iv. Other Petition & Fee for Ext. of time; Terminal Disclaimer

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-2098. I have enclosed a duplicate copy of this sheet.

a. RCE fee required under 37 CFR 1.17(e) 09/01/2005 SHASSEN1 00000087 10674862

i. Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:2801 395.00 OP

iii. Other Any additional fees due or credit any overpayments.

b. Check in the amount of \$ 395.00 enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	8-29-05
Name (Print/Type)	TIMOTHY J. ZARLEY	Registration No.	45,253

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	8-29-05
Name (Print/Type)	TIMOTHY J. ZARLEY	Registration No.	45,253

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : William T. Ball
SERIAL NO : 10/674,862
FILED: September 30, 2003
TITLE: METHOD AND MEANS FOR AN OVERFLOW ASSEMBLY TO
BATHTUBS AND THE LIKE
Grp./A.U. : 3751
Conf. No. : 6280
Examiner : Robert M. Fetsuga
Docket No.: P06455US1-153

Mail Stop RCE
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)
UNDER 37 C.F.R. 1.114

Dear Sir:

In response to the Final Office Action dated March 28, 2005, please amend the above-identified application as follows:

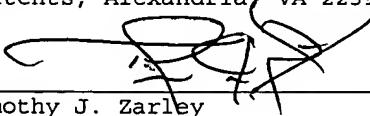
Amendments to the Specification begin on page 3 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this paper.

Remarks/Arguments begin on page 5 of this paper.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8(a))

I hereby certify that this document and the documents referred to as enclose therein are being deposited with the United States Postal Service as First Class mail addressed to: Box RCE, Commissioner for Patents, Alexandria, VA 22313-1450; on this 29th day of August 2005.



Timothy J. Zarley

Application No. 10/674,862
Docket No. P064552US1-153
Reply to Final Office Action of March 28, 2005

An **Appendix** consisting of a Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent is attached following the Remarks/Arguments.